

**REMARKS**

Applicant would like to thank Examiner Clark and Examiner Flood for the telephonic interview of September 10, 2007.

The Office Action of September 14, 2007, has been received and carefully considered. Applicant notes that the Examiner has issued a Final Rejection in the first Office Action, subsequent to Applicant's filing of a Request for Continued Examination on August 2, 2007. The Examiner has repeated the rejections from the previous Office Action dated February 6, 2007.

In response to the suggestions of Examiner Clark during the telephonic interview, Applicant has amended claim 1 to further clarify and define that which Applicant considers to be the invention. Specifically, Applicant has amended claim 1 to direct the claims to a method of obtaining saponins via incubation in an alkaline medium, and yielding an extract containing saponins. Support for this amendment can be found throughout the specification, particularly at page 1, lines 2-3; page 2, lines 5-20; page 3, lines 15-19; page 6, lines 27-29; page 7, lines 5-8 and 22-26; page 9, lines 8-12, and examples 3 and 6. No new matter has been added by this amendment.

**Rejection under 35 U.S.C. §103(a)**

The Examiner maintained rejection claims 1, 2 and 4-8 under 35 U.S.C. §103(a) as unpatentable over Oura et al., in view of Noller and Vogel et al. (Fermentation and Biochemical Engineering Handbook-Principals, Process Design and Equipment (2<sup>nd</sup> Ed.)), for the reasons set forth in the previous Office Action.

The rejection of claims 1-2, and 4-8 as obvious over Oura et al., in view of Noller and Vogel et al. was again discussed with the Examiner during the telephonic interview of September 10, 2007.

Applicant has amended claim 1 to direct the claims to a method of obtaining saponins via incubation in an alkaline medium, and yielding an extract containing saponins. Oura et al. in view of Noller and Vogel et al., do not teach or suggest a method of obtaining saponins from butter cake meal as in Applicant's amended claim 1.

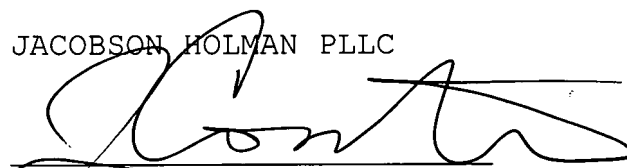
In view of Applicant's amended claim 1, Applicant submits that the Examiner cannot establish a *prima facie* case of obviousness with regard to claims 1, 2 and 4-8, because Oura et

al., in view of Noller and Vogel et al., do not teach each and every step of Applicant's amended process. As such, Applicant respectfully requests withdrawal of this rejection.

It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

JACOBSON HOLMAN PLLC



Joseph G. Contrera  
Registration No. 44,628

400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
(202) 638-6666  
Date: September 24, 2007  
HBJ/JGC/